

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X		
DENVER MCFADDEN,	:	
	:	
Plaintiff,	:	
	:	19-CV-5508 (VSB)
- against -	:	
	:	<b><u>ORDER OF SERVICE</u></b>
	:	
CITY OF NEW YORK, et al.,	:	
	:	
Defendants.	:	
	:	
-----X		

VERNON S. BRODERICK, United States District Judge:

On January 11, 2023, a Process Receipt and Return from the Marshals Service was filed indicating that service was not executed on Detective Peter Lumia because he was “not located at 25<sup>th</sup> Precinct per S[ergeant] on duty.” (Doc. 80.) On March 30, 2023, Plaintiff filed a letter indicating that the Marshals were unable to serve Detective Peter Lumia and Dr. Erick Eiting. (Doc. 82.) Plaintiff requested that “this action be delayed until this service is made on these 2 individuals.” (*Id.*) Accordingly, it is hereby

ORDERED that the request for a stay in this action is DENIED. However, there are no further deadlines to comply with until such time as the Defendants are served or until I enter a further order setting deadlines.

IT IS FURTHER ORDERED that to allow Plaintiff to effect service on the Defendants through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form (“USM-285 form”) for Defendants Erick Eiting and Peter Lumia using the following addresses.

**Dr. Erick Eiting**

Mount Sinai-Union Square Urgent Care  
10 Union Square East, Suite 2Q  
New York, NY 10003

**Detective Peter Lumia**

Manhattan Special Victims Squad  
1 Police Plaza  
New York, NY 10038

AND

**Detective Peter Lumia**

Special Victims Division  
137 Centre Street  
New York, NY 10013

The Clerk of Court is further instructed to issue summonses and deliver to the Marshals Service all of the paperwork necessary for the Marshals Service to effect service upon each of the defendants named above. Plaintiff is advised that it is his responsibility to inquire of the U.S. Marshals Service as to whether service has been made and if necessary, to request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012). If within 90 days of issuance of the summons, Plaintiff has not made service or requested an extension of time in which to do so, under Rules 4(m) and 41(b) of the Federal Rules of Civil Procedure, the Court may dismiss this action for failure to prosecute. The Clerk of Court is respectfully directed to mail a copy of this Order to the pro se Plaintiff.

SO ORDERED.

Dated: April 12, 2023  
New York, New York

A handwritten signature in black ink, reading "Vernon Broderick", written over a horizontal line.

Vernon S. Broderick  
United States District Judge